



DTU

PTO/SB/21 (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                        |                        |
|---|------------------------|------------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/736,883-Conf. #6781 |
|   | Filing Date            | December 15, 2003      |
|   | First Named Inventor   | Diane Lipscombe        |
|   | Art Unit               | 1649                   |
|   | Examiner Name          | S. H. Standley         |
| Total Number of Pages in This Submission  | Attorney Docket Number | B0877.70026US00        |

| ENCLOSURES (Check all that apply)  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Response to Restriction Requirement<br>Return Receipt Postcard |
| Remarks  |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                |          |        |
|--|--------------------------------|----------|--------|
| Firm Name                                  | WOLF, GREENFIELD & SACKS, P.C. |          |        |
| Signature                                  |                                |          |        |
| Printed name                               | John R. Van Amsterdam          |          |        |
| Date                                       | November 6, 2006               | Reg. No. | 40,212 |

| Certificate of Mailing Under 37 CFR 1.8(a)  |                                   |
|---|-----------------------------------|
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |                                   |
| Dated: November 6, 2006   | Signature:  (Sylvana Householder) |



DOCKET NO.: B0877.70026US00

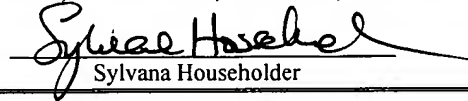
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lipscombe, et al.  
Serial No.: 10/736,883  
Confirmation No.: 6781  
Filing Date: December 15, 2003  
Title: NOCICEPTIVE NEURON SPECIFIC CALCIUM CHANNEL  
ISOFORM AND USES THEREOF

Examiner: S. Standley  
Art Unit: 1649

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 6<sup>th</sup> day of November, 2006.

  
Sylvana Householder

**Mail Stop AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**


In response to the restriction requirement set forth in the Office Action mailed October 13, 2006, Applicant hereby elects Group I, claims 1-6, drawn to a cell that expresses a recombinant N-type calcium channel subunit splice variant, for continued examination, without traverse.

In response to the species requirement set forth on page 8 of the Office Action, Applicant elects human sequence as the species for examination. Claims 1 and 2 are readable on this species.

Applicant notes that claims 5 and 6 previously were canceled by preliminary amendment. These claims have been added back into the application by the preliminary amendment filed herewith as claims 37-44. Claims 37, 38, 41 and 42 are readable on the elected species.

Applicant further expressly reserves the right to file one or more continuing applications on the subject matter of the non-elected claims or other subject matter disclosed in the application.

Respectfully submitted,  
*Lipscombe et al., Applicant*

By:   
John R. Van Amsterdam  
Reg No. 40,212  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
Telephone (617) 646-8000

Dated: November 6, 2006  
x11/13/06x